

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JUSTIN EDMISTEN,

Plaintiff,

v.

PICKENS, *et al.*,

Defendants.

Case No. 3:22-cv-00439-ART-CLB

**ORDER STRIKING PLAINTIFF'S
MOTIONS FOR SUMMARY JUDGMENT**

[ECF Nos. 62, 65]

This case involves a civil rights action filed by Plaintiff Justin Edmisten ("Edmisten"), an inmate in the custody of the Nevada Department of Corrections ("NDOC"). Edmisten has filed two documents titled as "Motion for Summary Judgment." (ECF Nos. 62, 65.) Both documents consist of a few lines of accusations and incomplete case names or citations. (*See id.*) First, both documents were filed months after the February 14, 2024, deadline to file dispositive motions in this case. (ECF No. 28.) The scheduling order in this case explicitly states that "[n]o motion filed beyond the time limit fixed by this Scheduling Order will be considered by the court unless the court grants an exception for good cause shown." (*Id.* at 6.) Here, the Court does not find that good cause exists as Edmisten does not explain why he is filing these documents so far beyond the deadline.

Further, the documents violate the Court's Local Rules by failing to include contain points and authorities to support the motion. LR 7-2. The Court may strike documents that do not comply with the Local Rules. LR IC 7-1. The Court reminds Edmisten that all parties, including parties proceeding *pro se*, are required to follow the Federal Rules of Civil Procedure and the Local Rules. *See King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987). Although the Court will liberally construe *pro se* pleadings and will give some latitude to *pro se* litigants, a continued failure to follow the Court's Local Rules and the Rules of Civil Procedure may result in sanctions.

1 Moreover, a Report and Recommendation on Defendants' motion for summary
2 judgment is pending in this case. (ECF No. 57.) The Court recommended the motion be
3 denied and that Edmisten be appointed counsel and his case be referred to the Pro Bono
4 Program. (*Id.*)

5 Thus, for all the above reasons, the Court **strikes** Edmisten's motions for summary
6 judgment, (ECF Nos. 62, 65), from the record.

7 Finally, Edmisten is directed to refrain from filing additional documents relating to
8 motions for summary judgment until an order regarding disposition of the Report and
9 Recommendation is entered.

10 **IT IS SO ORDERED.**

11 **DATED:** September 4, 2024.


UNITED STATES MAGISTRATE JUDGE